

REMARKS/ARGUMENTS

Claims 1-22 are active.

The claims have been amended to replace the term "derivative" with --compound--.

Claims 1, 5 and 11 have been amended to remove the option of cyano from the definition of G.

Claim 11 is amended to delete 4-oxo-5-quinoxalin-6-ylmethylene-thiazolidin-2-ylidene-cyanamide for proper antecedent basis as Claim 11 depends from Claim 1.

Claims 12-20 stand withdrawn but are retained for the purpose of the Office to consider rejoinder of the non-elected subject matter. As applicable, these withdrawn claims have been amended in the same manner as the elected claims.

For the reasons explained below, Applicants believe the elected species is allowable and the generic claim as provided here relating to compounds of formula (I) are allowable. In addition, while the Examiner has indicated that the species election of example 8 on page 47 of the application and that the claims would be restricted to the selected specie only this appears not to be the case as apparent from the rejections citing US Patent No. 5,750,712 (see page 3 of the action). Therefore, claims that are otherwise within Group I but may not be within the scope of the elected specie are not indicated as being withdrawn.

No new matter is added.

To the rejection of Claims 1, 2, 4, 5, 11 and 21 citing the '712 patent. The Examiner cites two specific compounds that appear to correspond to examples 8 and 4 in that patent. Neither of these two structures is the same as the elected specie provided in example 8 on page 47 of the present application (compare the structure at page 2 of the Action-the elected specie to the two structures on page 3 of the Action).

The '712 patent describes compounds where X is S, Y is O, R¹ is H, G is cyano, and A is a 5-8 membered heterocyclic group or carbocyclic group.

U.S. application serial no. 10/565,976
Reply to Official Action of September 16, 2008

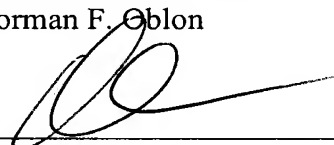
The claims as amended here do not provide for an option that G in formula (I) is a cyano group. All of the examples in the '712 patent, including the two cited in the rejection, require a cyano group (see Examples) and also required in formula I of the '712 patent.

Withdrawal of the rejection is requested

A Notice of Allowance is also requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel J. Pereira
Attorney of Record
Registration No. 45,518

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)